

# DECD's Safe Workplace Rules Regarding "Face-Coverings" and Executive Order 7BB: An Update

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## Education Law Notes

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We recently wrote a prior alert about Governor Lamont's Executive Order 7BB ("the Order") that generally requires persons to wear "face-coverings" (such as masks) in public. We also reported that the Department of Economic and Community Development ("DECD") revised the "Safe Workplace Rules" ("the Rules") to implement the Order; however, the Rules appeared to require **all employees** to wear such face coverings **at all times in the workplace** (even if they are keeping six feet from each other). The only

exception to this mandate was that employees would be excused from wearing a face covering if doing so would be contrary to the employee's health or safety because of a medical condition. The Rule also required employers to issue masks or cloth face coverings to their employees; if unable to provide them to employees because of shortages or supply chain difficulties, employers must then provide the materials and **CDC tutorial** about how to create a **cloth face covering**, **or** compensate employees for the reasonable and necessary costs employees expend on such materials to make their own masks or cloth face covering.

We then provided an update regarding DECD's common sense revisions to its Rules with respect to situations where employees are outdoors or in discrete indoor settings. Specifically, the Rules now provide that in workplace settings where employees **are working alone in "segregated spaces"** (for example, work stations such as cubicles with walls, private offices), employees may remove their face coverings. However, the Rules still mandate that employees wear a face covering from the time they enter the building where their workplace is located until the time they arrive at their cubicle or work station, **and** at any time they leave their work station and move around common areas (for example, in hallways and stairwells, going to a restroom or break room). The Rules further provide that employees working in "**congregate settings**" (i.e. open manufacturing floors, warehouses, areas open to the public, shared offices, or similar work environments) shall wear face coverings when they are at their work stations. Finally, the Rules now provide that "continuous wearing of masks is not required in **outdoor workspaces** where employees do **not** regularly come within six feet of other employees."

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The remaining provisions of the Rules regarding the wearing of face coverings that were discussed in our prior alert remain in place. Please feel free to contact us with any questions.

**Posted in** Executive Order

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